

LOUIS MICHAEL CHING 4209
ATTORNEY AT LAW
4475 KILAUEA AVENUE
Honolulu, Hawaii 96863
Tel: (808) 734-1520

Attorney for Defendant
DEON JOSEPH

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 18 2006

at 10 o'clock and 16 min. AM/PM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00048-01 SOM
)	
Plaintiff,)	
)	
vs.)	
)	
DEON JOSEPH,)	NOTICE OF DEFENDANT DEON
)	JOSEPH'S INTENT TO ORDER
Defendant.)	PARTIAL TRANSCRIPTS ON
)	APPEAL; CERTIFICATE OF
)	SERVICE
)	

NOTICE OF DEFENDANT DEON JOSEPH'S INTENT TO ORDER PARTIAL
TRANSCRIPTS ON APPEAL

NOTICE IS HEREBY GIVEN pursuant to Federal Rules of Appellate Procedure 10(b)(3)(A) that Defendant DEON JOSEPH, by and through his counsel, Louis Michael Ching, Esq., hereby intends to order and forward only partial transcripts of the records and files herein, to wit,

1. The Defendant's plea on February 12, 2004 before the Honorable Leslie E. Kobayashi (Ct. Rptr: FTR C7, CD 18);

[CERTIFICATE OF SERVICE ATTACHED]

2. The Defendant's Motion To Withdraw Guilty Plea on March 17, 2006 before the Honorable Susan Oki Mollway (Ct. Rptr. Sharon Ross); and

3. The Defendant's Sentence before the Honorabel Susan Oki Mollway (Ct. Rptr. Debra Chun).

to the United States Court of Appeals for the Ninth Circuit.

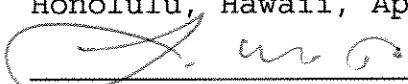
Further, Defendant will appeal the Court's denial of his motion to withdraw his guilty plea and limit his legal issues as set forth in oral argument and/or in his Motion For Withdrawal of Guilty Plea filed March 14, 2006 and heard on the March 17, 2006, to wit,

1. The District Court abused its discretion when it found that no promises were made nor breached by the Government or by his prior legal counsels to Defendant, which Defendant relied upon in entering his guilty plea;

2. As a matter of law, the District Court erred when it found that Rule 11 was sufficiently complied with and did not affect the Defendant's substantial rights;

3. As a matter of law, plain error, and/or abuse of discretion, the District Court erred when it found that Defendant did not have a right to withdraw his guilty plea pursuant to Rule 11(d)(1), FRCP.

DATED: Honolulu, Hawaii, April 17, 2006.


LOUIS MICHAEL CHING
Attorney for Defendant
DEON JOSEPH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing motion was duly served upon the below listed individuals at their last known addresses or official court jacket(s) either by hand delivery or by pre-paid postage deposited in the United States Postal Mail on the ABOVE STAMPED-FILED DATE.

TO: BEVERLY WEE SAMESHIMA, ESQ.
Assistant United States Attorney
Room 6100, PJKK Federal Bldg.
300 Ala Moana Blvd., Box 50183
Honolulu, Hawaii 96850

Attorney for Plaintiff
United States of America

DATED: Honolulu, Hawaii, April 17, 2006.



LOUIS MICHAEL CHING 4209
Attorney for Defendant
DEON JOSEPH